UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

ANTHONY PAUL DIDLEY,)	
)	
Plaintiff,)	3 08 0773
)	
V .)	No. 3:08mc0158
)	Judge Campbell
DEPUTY SHOOPMAN, ET AL.,)	
)	
Defendants.)	
	ORDER	

The Court has before it a pro se prisoner complaint brought under 42 U.S.C. § 1983. The plaintiff also has submitted an application to proceed in forma pauperis

The plaintiff is a prisoner in the Maryland Correctional Training Center in Hagerstown, Maryland. It appears from his application that he lacks sufficient financial resources to pay the filing fee. Therefore, pursuant to 28 U.S.C. § 1915(b)(4), the Clerk will file the complaint *in forma* pauper is 28 U.S.C. § 1915(a)

The plaintiff is herewith assessed the civil filing fee of three hundred fifty dollars (\$350.00) Pursuant to 28 U.S.C. §§ 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust fund account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial payment, whichever is the greater of:

- (a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust fund account; or
- (b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust fund account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly

income, or income credited to the plaintiff's inmate trust fund account for the preceding month, but

only when his monthly income exceeds ten dollars (\$10 00). Payments shall continue until the

\$350.00 filing fee has been paid in full to the Clerk of Court as prescribed by 28 U.S.C. § 1914(a).

28 U S.C. § 1915(b)(2).

As provided in the Memorandum entered contemporaneously herewith, the plaintiff's

complaint is DISMISSED as frivolous 28 U S C §§ 1915(e)(2)(B)(i); 1915A(b)(1) Because an

appeal from the judgment rendered herein would NOT be taken in good faith, the plaintiff is NOT

certified to pursue an appeal from this judgment in forma pauperis 28 U S.C. § 1915(a)(3);

Coppedge v United States, 369 U.S. 438, 444-46 (1962). Nevertheless, should the plaintiff decide

to file a notice of appeal, he either must pay the Clerk of Court the full appellate filing fee of four

hundred fifty-five dollars (\$455.00), or submit a new application to proceed in forma pauper is with

a certified copy of his inmate trust account statement for the six (6) month period preceding the

filing of his notice of appeal. 28 U.S.C. §§ 1915(a)(1) and (a)(2); McGore v Wrigglesworth, 114

F 3d 601, 605 (6th Cir 1997)

The Clerk is **DIRECTED** to send a copy of this Order to the Maryland Correctional Training

Center to ensure that the custodian of the plaintiff's inmate trust fund account complies with the

portion of the Prison Litigation Reform Act that pertains to the payment of filing fees

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.

Todal Campbell

United States District Judge

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